

REMARKS

The Examiner's attention to the present application is noted with appreciation. Applicant gratefully acknowledges the allowance of claim 33, as well as the allowability of claims 29-32 if rewritten to include all of the limitations of the base claim and any intervening claims. However, as discussed below, Applicant submits that all claims are allowable.

The Examiner rejected claims 21-28 under 35 U.S.C. 103(a) as being unpatentable over Rippere in view of Lee. Such rejection is respectfully traversed, particularly as to the claims as amended. In the above referenced advisory action the Examiner states that ions are not only a single atom but also a group of atoms, and that a particle includes a subatomic particle. Independent claim 21 has been amended to limit the particles to multicrystalline particles. It would be obvious to one skilled in the art that the particles referred to in the present application comprise multicrystalline particles, and not ions or subatomic particles. This is reinforced in paragraphs [0058] - [0060] of the present invention, which discuss particle size. Further, paragraph [0060] specifically cites 1-2 micron particles, and paragraph [0073] cites particles in the few-micron to sub-micron range of diameters. Thus, the claimed particles already comprise crystals, and those crystals have a given orientation. Lee teaches that ions are deposited in order to form crystals with a desired orientation. The teachings of Lee are thus inapplicable to the present invention, since the whole purpose of Lee is to create a plating which has a desired orientation, which would be impossible using the particles of the present invention, since the relative orientation of the already existing crystals cannot be changed.

Further, the Examiner did not address the alternate limitation in present claim 21 which states that the magnetic field is applied in order to vary the codeposition *rate* of the particles, which is not taught or suggested anywhere in the cited art.

Thus, because none of the cited art teaches applying a magnetic field to multicrystalline particles to vary their codeposition rate or location, all claim limitations have not been taught or suggested by the combinations of the cited art, which is required for establishing *prima facie* obviousness per MPEP Section 2143.03.


In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Also being filed herewith is a Petition for Extension of Time to March 14, 2006 with the appropriate fee. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of this paper is enclosed for accounting purposes.

Respectfully submitted,

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